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SENATE BILL 6792

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State of Washington

60th Legislature

2008 Regular Session

By Senators Hargrove and Stevens

Read first time 01/24/08. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to dependency matters; and amending RCW 13.34.215,  
2 13.34.065, 13.34.136, and 26.44.063.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 13.34.215 and 2007 c 413 s 1 are each amended to read  
5 as follows:

6 (1) A child may petition the juvenile court to reinstate the  
7 previously terminated parental rights of his or her parent under the  
8 following circumstances:

9 (a) The child was previously found to be a dependent child under  
10 this chapter;

11 (b) The child's parent's rights were terminated in a proceeding  
12 under this chapter;

13 (c) The child has not achieved his or her permanency plan within  
14 three years of a final order of termination, or if the final order was  
15 appealed, within three years of exhaustion of any right to appeal the  
16 order terminating parental rights; and

17 (d) (~~Absent good cause,~~) The child must be at least twelve years  
18 old at the time the petition is filed. Upon the child's motion for

1 good cause shown, or on its own motion, the court may hear a petition  
2 filed by a child younger than twelve years old.

3 (2) A child seeking to petition under this section shall be  
4 provided counsel at no cost to the child.

5 (3) The petition must be signed by the child in the absence of a  
6 showing of good cause as to why the child could not do so.

7 (4) If, after a threshold hearing to consider the parent's apparent  
8 fitness and interest in reinstatement of parental rights, (~~it~~  
9 ~~appears~~) the court finds by a preponderance of the evidence that the  
10 best interests of the child may be served by reinstatement of parental  
11 rights, the juvenile court shall order that a hearing on the merits of  
12 the petition be held.

13 (5) The court shall give prior notice for any proceeding under this  
14 section, or cause prior notice to be given, to the department, the  
15 child's attorney, and the child. The court shall also order the  
16 department to give prior notice of any hearing to the child's former  
17 parent whose parental rights are the subject of the petition, any  
18 parent whose rights have not been terminated, the child's current  
19 foster parent, relative caregiver, guardian or custodian, and the  
20 child's tribe, if applicable.

21 (6) The juvenile court shall conditionally grant the petition if it  
22 finds by clear and convincing evidence that the child has not achieved  
23 his or her permanency plan and is not likely to imminently achieve his  
24 or her permanency plan and that reinstatement of parental rights is in  
25 the child's best interest. In determining whether reinstatement is in  
26 the child's best interest the court shall consider, but is not limited  
27 to, the following:

28 (a) Whether the parent whose rights are to be reinstated is a fit  
29 parent and has remedied his or her deficits as provided in the record  
30 of the prior termination proceedings and prior termination order;

31 (b) The age and maturity of the child, and the ability of the child  
32 to express his or her preference;

33 (c) Whether the reinstatement of parental rights will present a  
34 risk to the child's health, welfare, or safety; and

35 (d) Other material changes in circumstances, if any, that may have  
36 occurred which warrant the granting of the petition.

37 (7) In determining whether the child has or has not achieved his or  
38 her permanency plan or whether the child is likely to achieve his or

1 her permanency plan, the department shall provide the court, and the  
2 court shall review, information related to any efforts to achieve the  
3 permanency plan including efforts to achieve adoption or a permanent  
4 guardianship.

5 (8)(a) If the court conditionally grants the petition under  
6 subsection (6) of this section, the case will be continued for six  
7 months and a temporary order of reinstatement entered. During this  
8 period, the child shall be placed in the custody of the parent. The  
9 department shall develop a permanency plan for the child reflecting the  
10 plan to be reunification and shall provide transition services to the  
11 family as appropriate.

12 (b) If the child must be removed from the parent due to abuse or  
13 neglect allegations prior to the expiration of the conditional six-  
14 month period, the court shall dismiss the petition for reinstatement of  
15 parental rights if the court finds the allegations have been proven by  
16 a preponderance of the evidence.

17 (c) If the child has been successfully placed with the parent for  
18 six months, the court order reinstating parental rights remains in  
19 effect and the court shall dismiss the dependency.

20 (9) After the child has been placed with the parent for six months,  
21 the court shall hold a hearing. If the placement with the parent has  
22 been successful, the court shall enter a final order of reinstatement  
23 of parental rights, which shall restore all rights, powers, privileges,  
24 immunities, duties, and obligations of the parent as to the child,  
25 including those relating to custody, control, and support of the child.  
26 The court shall dismiss the dependency and direct the clerk's office to  
27 provide a certified copy of the final order of reinstatement of  
28 parental rights to the parent at no cost.

29 (10) The granting of the petition under this section does not  
30 vacate or otherwise affect the validity of the original termination  
31 order.

32 ((+10+)) (11) Any parent whose rights are reinstated under this  
33 section shall not be liable for any child support owed to the  
34 department pursuant to RCW 13.34.160 or Title 26 RCW for the time  
35 period from the date of termination of parental rights to the date  
36 parental rights are reinstated.

37 ((+11+)) (12) A proceeding to reinstate parental rights is a  
38 separate action from the termination of parental rights proceeding and

1 does not vacate the original termination of parental rights. An order  
2 granted under this section reinstates the parental rights to the child.  
3 This reinstatement is a recognition that the situation of the parent  
4 and child have changed since the time of the termination of parental  
5 rights and reunification is now appropriate.

6 ~~((+12+))~~ (13) This section is retroactive and applies to any child  
7 who is under the jurisdiction of the juvenile court at the time of the  
8 hearing regardless of the date parental rights were terminated.

9 (14) The state, the department, and its employees are not liable  
10 for civil damages resulting from any act or omission in the provision  
11 of services under this section, unless the act or omission constitutes  
12 gross negligence. This section does not create any duty and shall not  
13 be construed to create a duty where none exists. This section does not  
14 create a cause of action against the state, the department, or its  
15 employees concerning the original termination.

16 **Sec. 2.** RCW 13.34.065 and 2007 c 413 s 5 are each amended to read  
17 as follows:

18 (1)(a) When a child is taken into custody, the court shall hold a  
19 shelter care hearing within seventy-two hours, excluding Saturdays,  
20 Sundays, and holidays. The primary purpose of the shelter care hearing  
21 is to determine whether the child can be immediately and safely  
22 returned home while the adjudication of the dependency is pending.

23 (b) Any parent, guardian, or legal custodian who for good cause is  
24 unable to attend the shelter care hearing may request that a subsequent  
25 shelter care hearing be scheduled. The request shall be made to the  
26 clerk of the court where the petition is filed prior to the initial  
27 shelter care hearing. Upon the request of the parent, the court shall  
28 schedule the hearing within seventy-two hours of the request, excluding  
29 Saturdays, Sundays, and holidays. The clerk shall notify all other  
30 parties of the hearing by any reasonable means.

31 (2)(a) The department of social and health services shall submit a  
32 recommendation to the court as to the further need for shelter care in  
33 all cases in which it is the petitioner. In all other cases, the  
34 recommendation shall be submitted by the juvenile court probation  
35 counselor.

36 (b) All parties have the right to present testimony to the court  
37 regarding the need or lack of need for shelter care.

1 (c) Hearsay evidence before the court regarding the need or lack of  
2 need for shelter care must be supported by sworn testimony, affidavit,  
3 or declaration of the person offering such evidence.

4 (3)(a) At the commencement of the hearing, the court shall notify  
5 the parent, guardian, or custodian of the following:

6 (i) The parent, guardian, or custodian has the right to a shelter  
7 care hearing;

8 (ii) The nature of the shelter care hearing, the rights of the  
9 parents, and the proceedings that will follow; and

10 (iii) If the parent, guardian, or custodian is not represented by  
11 counsel, the right to be represented. If the parent, guardian, or  
12 custodian is indigent, the court shall appoint counsel as provided in  
13 RCW 13.34.090; and

14 (b) If a parent, guardian, or legal custodian desires to waive the  
15 shelter care hearing, the court shall determine, on the record and with  
16 the parties present, whether such waiver is knowing and voluntary. A  
17 parent may not waive his or her right to the shelter care hearing  
18 unless he or she appears in court and the court determines that the  
19 waiver is knowing and voluntary. Regardless of whether the court  
20 accepts the parental waiver of the shelter care hearing, the court must  
21 provide notice to the parents of their rights required under (a) of  
22 this subsection and make the finding required under subsection (4) of  
23 this section.

24 (4) At the shelter care hearing the court shall examine the need  
25 for shelter care and inquire into the status of the case. The  
26 paramount consideration for the court shall be the health, welfare, and  
27 safety of the child. At a minimum, the court shall inquire into the  
28 following:

29 (a) Whether the notice required under RCW 13.34.062 was given to  
30 all known parents, guardians, or legal custodians of the child. The  
31 court shall make an express finding as to whether the notice required  
32 under RCW 13.34.062 was given to the parent, guardian, or legal  
33 custodian. If actual notice was not given to the parent, guardian, or  
34 legal custodian and the whereabouts of such person is known or can be  
35 ascertained, the court shall order the supervising agency or the  
36 department of social and health services to make reasonable efforts to  
37 advise the parent, guardian, or legal custodian of the status of the

1 case, including the date and time of any subsequent hearings, and their  
2 rights under RCW 13.34.090;

3 (b) Whether the child can be safely returned home while the  
4 adjudication of the dependency is pending;

5 (c) What efforts have been made to place the child with a relative;

6 (d) What services were provided to the family to prevent or  
7 eliminate the need for removal of the child from the child's home;

8 (e) Is the placement proposed by the agency the least disruptive  
9 and most family-like setting that meets the needs of the child;

10 (f) Whether it is in the best interest of the child to remain  
11 enrolled in the school, developmental program, or child care the child  
12 was in prior to placement and what efforts have been made to maintain  
13 the child in the school, program, or child care if it would be in the  
14 best interest of the child to remain in the same school, program, or  
15 child care;

16 (g) Appointment of a guardian ad litem or attorney;

17 (h) Whether the child is or may be an Indian child as defined in 25  
18 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare  
19 act apply, and whether there is compliance with the Indian child  
20 welfare act, including notice to the child's tribe;

21 (i) Whether, as provided in RCW 26.44.063, restraining orders, or  
22 orders expelling an allegedly abusive (~~parent~~) household member from  
23 the home of a nonabusive parent, guardian, or legal custodian, will  
24 allow the child to safely remain in the home;

25 (j) Whether any orders for examinations, evaluations, or immediate  
26 services are needed. (~~However,~~) The court may not order a parent to  
27 undergo examinations, evaluation, or services at the shelter care  
28 hearing unless the parent agrees to the examination, evaluation, or  
29 service, except that if the court determines there is reasonable cause  
30 to believe the abuse of alcohol or controlled substances is a  
31 contributing factor to the alleged abuse or neglect or inability to  
32 properly provide care for the child, the court may order the parent to  
33 participate in a comprehensive chemical dependency evaluation as  
34 arranged by the department;

35 (k) The terms and conditions for parental, sibling, and family  
36 visitation.

37 (5)(a) The court shall release a child alleged to be dependent to

1 the care, custody, and control of the child's parent, guardian, or  
2 legal custodian unless the court finds there is reasonable cause to  
3 believe that:

4 (i) After consideration of the specific services that have been  
5 provided, reasonable efforts have been made to prevent or eliminate the  
6 need for removal of the child from the child's home and to make it  
7 possible for the child to return home; and

8 (ii)(A) The child has no parent, guardian, or legal custodian to  
9 provide supervision and care for such child; or

10 (B) The release of such child would present a serious threat of  
11 substantial harm to such child, notwithstanding an order entered  
12 pursuant to RCW 26.44.063; or

13 (C) The parent, guardian, or custodian to whom the child could be  
14 released has been charged with violating RCW 9A.40.060 or 9A.40.070.

15 (b) If the court does not release the child to his or her parent,  
16 guardian, or legal custodian, and the child was initially placed with  
17 a relative pursuant to RCW 13.34.060(1), the court shall order  
18 continued placement with a relative, unless there is reasonable cause  
19 to believe the health, safety, or welfare of the child would be  
20 jeopardized or that the efforts to reunite the parent and child will be  
21 hindered. The relative must be willing and available to:

22 (i) Care for the child and be able to meet any special needs of the  
23 child;

24 (ii) Facilitate the child's visitation with siblings, if such  
25 visitation is part of the supervising agency's plan or is ordered by  
26 the court; and

27 (iii) Cooperate with the department in providing necessary  
28 background checks and home studies.

29 (c) If the child was not initially placed with a relative, and the  
30 court does not release the child to his or her parent, guardian, or  
31 legal custodian, the supervising agency shall make reasonable efforts  
32 to locate a relative pursuant to RCW 13.34.060(1).

33 (d) If a relative is not available, the court shall order continued  
34 shelter care or order placement with another suitable person, and the  
35 court shall set forth its reasons for the order. If the court orders  
36 placement of the child with a person not related to the child and not  
37 licensed to provide foster care, the placement is subject to all terms  
38 and conditions of this section that apply to relative placements.

1 (e) Any placement with a relative, or other person approved by the  
2 court pursuant to this section, shall be contingent upon cooperation  
3 with the agency case plan and compliance with court orders related to  
4 the care and supervision of the child including, but not limited to,  
5 court orders regarding parent-child contacts, sibling contacts, and any  
6 other conditions imposed by the court. Noncompliance with the case  
7 plan or court order is grounds for removal of the child from the home  
8 of the relative or other person, subject to review by the court.

9 (f) Uncertainty by a parent, guardian, legal custodian, relative,  
10 or other suitable person that the alleged abuser has in fact abused the  
11 child shall not, alone, be the basis upon which a child is removed from  
12 the care of a parent, guardian, or legal custodian under (a) of this  
13 subsection, nor shall it be a basis, alone, to preclude placement with  
14 a relative under (b) of this subsection or with another suitable person  
15 under (d) of this subsection.

16 (6)(a) A shelter care order issued pursuant to this section shall  
17 include the requirement for a case conference as provided in RCW  
18 13.34.067. However, if the parent is not present at the shelter care  
19 hearing, or does not agree to the case conference, the court shall not  
20 include the requirement for the case conference in the shelter care  
21 order.

22 (b) If the court orders a case conference, the shelter care order  
23 shall include notice to all parties and establish the date, time, and  
24 location of the case conference which shall be no later than thirty  
25 days before the fact-finding hearing.

26 (c) The court may order another conference, case staffing, or  
27 hearing as an alternative to the case conference required under RCW  
28 13.34.067 so long as the conference, case staffing, or hearing ordered  
29 by the court meets all requirements under RCW 13.34.067, including the  
30 requirement of a written agreement specifying the services to be  
31 provided to the parent.

32 (7)(a) A shelter care order issued pursuant to this section may be  
33 amended at any time with notice and hearing thereon. The shelter care  
34 decision of placement shall be modified only upon a showing of change  
35 in circumstances. No child may be placed in shelter care for longer  
36 than thirty days without an order, signed by the judge, authorizing  
37 continued shelter care.

1 (b)(i) An order releasing the child on any conditions specified in  
2 this section may at any time be amended, with notice and hearing  
3 thereon, so as to return the child to shelter care for failure of the  
4 parties to conform to the conditions originally imposed.

5 (ii) The court shall consider whether nonconformance with any  
6 conditions resulted from circumstances beyond the control of the  
7 parent, guardian, or legal custodian and give weight to that fact  
8 before ordering return of the child to shelter care.

9 (8)(a) If a child is returned home from shelter care a second time  
10 in the case, or if the supervisor of the caseworker deems it necessary,  
11 the multidisciplinary team may be reconvened.

12 (b) If a child is returned home from shelter care a second time in  
13 the case a law enforcement officer must be present and file a report to  
14 the department.

15 **Sec. 3.** RCW 13.34.136 and 2007 c 413 s 7 are each amended to read  
16 as follows:

17 (1) Whenever a child is ordered removed from the home, a permanency  
18 plan shall be developed no later than sixty days from the time the  
19 supervising agency assumes responsibility for providing services,  
20 including placing the child, or at the time of a hearing under RCW  
21 13.34.130, whichever occurs first. The permanency planning process  
22 continues until a permanency planning goal is achieved or dependency is  
23 dismissed. The planning process shall include reasonable efforts to  
24 return the child to the parent's home.

25 (2) The agency supervising the dependency shall submit a written  
26 permanency plan to all parties and the court not less than fourteen  
27 days prior to the scheduled hearing. Responsive reports of parties not  
28 in agreement with the supervising agency's proposed permanency plan  
29 must be provided to the supervising agency, all other parties, and the  
30 court at least seven days prior to the hearing.

31 The permanency plan shall include:

32 (a) A permanency plan of care that shall identify one of the  
33 following outcomes as a primary goal and may identify additional  
34 outcomes as alternative goals: Return of the child to the home of the  
35 child's parent, guardian, or legal custodian; adoption; guardianship;  
36 permanent legal custody; long-term relative or foster care, until the  
37 child is age eighteen, with a written agreement between the parties and

1 the care provider; successful completion of a responsible living skills  
2 program; or independent living, if appropriate and if the child is age  
3 sixteen or older. The department shall not discharge a child to an  
4 independent living situation before the child is eighteen years of age  
5 unless the child becomes emancipated pursuant to chapter 13.64 RCW;

6 (b) Unless the court has ordered, pursuant to RCW 13.34.130(~~(+4)~~)  
7 (5), that a termination petition be filed, a specific plan as to where  
8 the child will be placed, what steps will be taken to return the child  
9 home, what steps the agency will take to promote existing appropriate  
10 sibling relationships and/or facilitate placement together or contact  
11 in accordance with the best interests of each child, and what actions  
12 the agency will take to maintain parent-child ties. All aspects of the  
13 plan shall include the goal of achieving permanence for the child.

14 (i) The agency plan shall specify what services the parents will be  
15 offered to enable them to resume custody, what requirements the parents  
16 must meet to resume custody, and a time limit for each service plan and  
17 parental requirement.

18 (ii) Visitation is the right of the family, including the child and  
19 the parent, in cases in which visitation is in the best interest of the  
20 child. Early, consistent, and frequent visitation is crucial for  
21 maintaining parent-child relationships and making it possible for  
22 parents and children to safely reunify. The agency shall encourage the  
23 maximum parent and child and sibling contact possible, when it is in  
24 the best interest of the child, including regular visitation and  
25 participation by the parents in the care of the child while the child  
26 is in placement. Visitation shall not be limited as a sanction for a  
27 parent's failure to comply with court orders or services where the  
28 health, safety, or welfare of the child is not at risk as a result of  
29 the visitation. Visitation may be limited or denied only if the court  
30 determines that such limitation or denial is necessary to protect the  
31 child's health, safety, or welfare. The court and the agency should  
32 rely upon community resources, relatives, foster parents, and other  
33 appropriate persons to provide transportation and supervision for  
34 visitation to the extent that such resources are available, and  
35 appropriate, and the child's safety would not be compromised.

36 (iii) A child shall be placed as close to the child's home as  
37 possible, preferably in the child's own neighborhood, unless the court

1 finds that placement at a greater distance is necessary to promote the  
2 child's or parents' well-being.

3 (iv) The plan shall state whether both in-state and, where  
4 appropriate, out-of-state placement options have been considered by the  
5 department.

6 (v) Unless it is not in the best interests of the child, whenever  
7 practical, the plan should ensure the child remains enrolled in the  
8 school the child was attending at the time the child entered foster  
9 care.

10 (vi) The agency charged with supervising a child in placement shall  
11 provide all reasonable services that are available within the agency,  
12 or within the community, or those services which the department has  
13 existing contracts to purchase. It shall report to the court if it is  
14 unable to provide such services; and

15 (c) If the court has ordered, pursuant to RCW 13.34.130(~~(+4)~~) (5),  
16 that a termination petition be filed, a specific plan as to where the  
17 child will be placed, what steps will be taken to achieve permanency  
18 for the child, services to be offered or provided to the child, and, if  
19 visitation would be in the best interests of the child, a  
20 recommendation to the court regarding visitation between parent and  
21 child pending a fact-finding hearing on the termination petition. The  
22 agency shall not be required to develop a plan of services for the  
23 parents or provide services to the parents if the court orders a  
24 termination petition be filed. However, reasonable efforts to ensure  
25 visitation and contact between siblings shall be made unless there is  
26 reasonable cause to believe the best interests of the child or siblings  
27 would be jeopardized.

28 (3) Permanency planning goals should be achieved at the earliest  
29 possible date, preferably before the child has been in out-of-home care  
30 for fifteen months. In cases where parental rights have been  
31 terminated, the child is legally free for adoption, and adoption has  
32 been identified as the primary permanency planning goal, it shall be a  
33 goal to complete the adoption within six months following entry of the  
34 termination order.

35 (4) If the court determines that the continuation of reasonable  
36 efforts to prevent or eliminate the need to remove the child from his  
37 or her home or to safely return the child home should not be part of

1 the permanency plan of care for the child, reasonable efforts shall be  
2 made to place the child in a timely manner and to complete whatever  
3 steps are necessary to finalize the permanent placement of the child.

4 (5) The identified outcomes and goals of the permanency plan may  
5 change over time based upon the circumstances of the particular case.

6 (6) The court shall consider the child's relationships with the  
7 child's siblings in accordance with RCW 13.34.130(3).

8 (7) For purposes related to permanency planning:

9 (a) "Guardianship" means a dependency guardianship or a legal  
10 guardianship pursuant to chapter 11.88 RCW or equivalent laws of  
11 another state or a federally recognized Indian tribe.

12 (b) "Permanent custody order" means a custody order entered  
13 pursuant to chapter 26.10 RCW.

14 (c) "Permanent legal custody" means legal custody pursuant to  
15 chapter 26.10 RCW or equivalent laws of another state or a federally  
16 recognized Indian tribe.

17 **Sec. 4.** RCW 26.44.063 and 2000 c 119 s 12 are each amended to read  
18 as follows:

19 (1) It is the intent of the legislature to minimize trauma to a  
20 child involved in an allegation of sexual or physical abuse. The  
21 legislature declares that removing the child from the home or the care  
22 of a parent, guardian, or legal custodian often has the effect of  
23 further traumatizing the child. It is, therefore, the legislature's  
24 intent that the alleged (~~offender~~) abuser, rather than the child,  
25 shall be removed or restrained from the (~~home~~) child's residence and  
26 that this should be done at the earliest possible point of intervention  
27 in accordance with RCW 10.31.100, (~~13.34.130~~) chapter 13.34 RCW, this  
28 section, and RCW 26.44.130.

29 (2) In any judicial proceeding in which it is alleged that a child  
30 has been subjected to sexual or physical abuse, if the court finds  
31 reasonable grounds to believe that an incident of sexual or physical  
32 abuse has occurred, the court may, on its own motion, or the motion of  
33 the guardian ad litem or other parties, issue a temporary restraining  
34 order or preliminary injunction restraining or enjoining the person  
35 accused of committing the abuse from:

36 (a) Molesting or disturbing the peace of the alleged victim;

1 (b) Entering the family home of the alleged victim except as  
2 specifically authorized by the court;

3 (c) Having any contact with the alleged victim, except as  
4 specifically authorized by the court;

5 (d) Knowingly coming within, or knowingly remaining within, a  
6 specified distance of a specified location.

7 (3) If the caretaker is willing, and does comply with the  
8 restraining order entered pursuant to this section, uncertainty that  
9 the alleged abuser has in fact abused the alleged victim shall not,  
10 alone, be a basis to remove the alleged victim from the caretaker, nor  
11 shall it be considered neglect.

12 (4) In issuing a temporary restraining order or preliminary  
13 injunction, the court may impose any additional restrictions that the  
14 court in its discretion determines are necessary to protect the child  
15 from further abuse or emotional trauma pending final resolution of the  
16 abuse allegations.

17 ~~((4))~~ (5) The court shall issue a temporary restraining order  
18 prohibiting a person from entering the family home if the court finds  
19 that the order would eliminate the need for an out-of-home placement to  
20 protect the child's right to nurturance, health, and safety and is  
21 sufficient to protect the child from further sexual or physical abuse  
22 or coercion.

23 ~~((5))~~ (6) The court may issue a temporary restraining order  
24 without requiring notice to the party to be restrained or other parties  
25 only if it finds on the basis of the moving affidavit or other evidence  
26 that irreparable injury could result if an order is not issued until  
27 the time for responding has elapsed.

28 ~~((6))~~ (7) A temporary restraining order or preliminary  
29 injunction:

30 (a) Does not prejudice the rights of a party or any child which are  
31 to be adjudicated at subsequent hearings in the proceeding; and

32 (b) May be revoked or modified.

33 ~~((7))~~ (8) The person having physical custody of the child shall  
34 have an affirmative duty to assist in the enforcement of the  
35 restraining order including but not limited to a duty to notify the  
36 court as soon as practicable of any violation of the order, a duty to  
37 request the assistance of law enforcement officers to enforce the  
38 order, and a duty to notify the department of social and health

1 services of any violation of the order as soon as practicable if the  
2 department is a party to the action. Failure by the custodial party to  
3 discharge these affirmative duties shall be subject to contempt  
4 proceedings.

5 ~~((+8))~~ (9) Willful violation of a court order entered under this  
6 section is a misdemeanor. A written order shall contain the court's  
7 directive and shall bear the legend: "Violation of this order with  
8 actual notice of its terms is a criminal offense under chapter 26.44  
9 RCW, is also subject to contempt proceedings, and will subject a  
10 violator to arrest."

11 ~~((+9))~~ (10) If a restraining order issued under this section is  
12 modified or terminated, the clerk of the court shall notify the law  
13 enforcement agency specified in the order on or before the next  
14 judicial day. Upon receipt of notice that an order has been  
15 terminated, the law enforcement agency shall remove the order from any  
16 computer-based criminal intelligence system.

--- END ---